

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PATRICIA PEASE,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

Case No. C08-5034BHS-KLS

ORDER REGARDING SERVICE
OF COMPLAINT

This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1)(B), Local Rule MJR 4(a)(4), and as authorized by Matthews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). Plaintiff has been granted leave to proceed *in forma pauperis* and is proceeding *pro se* in this matter. The Court hereby finds and orders as follows:

On January 17, 2008, plaintiff filed her complaint, application to proceed *in forma pauperis* and praecipe to issue summons, along with two attached summons directed to the United States Attorney and the Office of General Counsel for the Social Security Administration. (Dkt. #1). On February 11, 2008, the Court granted plaintiff's application, conferring *in forma pauperis* upon her, and the Clerk issued the summons plaintiff submitted and returned them to her. (Dkt. #2-#4). However, to date, it does not appear that the summons or complaint has been served.

Plaintiff "is responsible for having the summons and complaint served within the time allowed by" Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 4(m), and "must furnish the necessary copies to

1 the person who makes service.” Fed. R. Civ. P. 4(c)(1). Service must be completed “within 120 days
2 after the complaint is filed,” in the manner prescribed within Fed. R. Civ. P. 4. Fed. R. Civ. P. 4(m).
3 Failure to so effect service on defendant may result in dismissal of the action without prejudice or an
4 “order that service be made within a specified time.” Id.

5 As noted above, plaintiff filed the complaint with this Court on January 17, 2008. As it does not
6 appear that service has been effected in this case, and more than 120 days have passed since the complaint
7 was filed, plaintiff hereby is ordered to complete service of the complaint on defendant in the manner
8 required by Fed. R. Civ. P. 4 by **no later than July 2, 2008. Plaintiff is warned that failure to serve**
9 **the summons and complaint as described herein by the above date may result in dismissal of this**
10 **case without prejudice.**

11 The Clerk is directed to send a copy of this Order to plaintiff.

12 DATED this 2nd day of June, 2008.

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16 Karen L. Strombom
17 United States Magistrate Judge
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